

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:23-mc-0163 MWF (PVCx) Date: November 21, 2023

Title In re: Third Party Subpoena Issued to Rightscorp, Inc.

Present: The Honorable Pedro V. Castillo, United States Magistrate Judge

Marlene Ramirez

Deputy Clerk

None

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

None

Attorneys Present for Defendants:

None

**PROCEEDINGS: [IN CHAMBERS] ORDER *SUA SPONTE* CONTINUING
HEARING DATE AND SETTING BRIEFING SCHEDULE ON
MOVANTS’ MOTION TO COMPEL COMPLIANCE WITH
SUBPOENA ISSUED TO RIGHTSCORP, INC. (Dkt. No. 1)**

On November 14, 2023, movants Altice USA, Inc. and CSC Holdings, LLC (collectively, “Altice” or “Movants”) filed a Motion to Compel Compliance with the Subpoena Issued to Rightscorp, Inc. (“Rightscorp”) seeking evidence for use in the pending matter of *BMG Rights Management (US) LLC, et al. v. Altice USA, Inc., et al.*, E.D. Tex. Case No. CV 22-0471 JRG, in the Eastern District of Texas. (“MTC,” Dkt. No. 1). In the underlying Texas litigation, Plaintiffs allege that Altice’s internet subscribers infringed on their copyrightable works by downloading their music without authorization. (*Id.* at 1). Rightscorp is a third-party software company that provides services for the detection and monitoring of online piracy, which several Plaintiffs hired to compile evidence of infringement. (*Id.*).

Altice served a subpoena duces tecum on Rightscorp on June 16, 2023. (*Id.* at 5). Rightscorp served responses and objections on June 30, 2023. (*Id.*). Altice states that Rightscorp’s most recent production occurred on September 26, 2023 and still failed to produce documents requested by the subpoena that are critical to Altice’s defense. (*Id.*).

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Altice represents that counsel for third party Rightscorp is also representing Plaintiffs in the Texas litigation. (*Id.* at 5). Pursuant to the certificate of service, the instant MTC was served on Plaintiffs’ and Rightscorp’s counsel on November 14, 2023, simultaneously with the filing of the MTC. (Dkt. No. 6). By the MTC, Altice seeks an order either (1) transferring enforcement of the MTC to the Eastern District of Texas, or (2) overruling Rightscorp’s objections and ordering Rightscorp to produce documents responsive to the subpoena. (MTC at 14).

The Clerk of the Court initially set the hearing on the MTC for December 19, 2023. (Dkt. No. 5). However, upon further consideration of the Court’s calendar, the Court *sua sponte* continues the hearing to **Thursday, January 4, 2024 at 10:00 a.m.** The hearing will be held before Judge Castillo in Courtroom 590 of the Edward R. Roybal Federal Building and United States Courthouse, 255 East Temple Street, Los Angeles, CA 90012-3332, unless Altice and Rightscorp file a stipulation consenting to a virtual hearing via Zoom by the deadline set forth below.

The Court sets the following briefing schedule:

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| <u>November 30, 2023:</u> | Deadline for Rightscorp to notify the Court if it stipulates to the transfer of this motion to the Eastern District of Texas or if it declines to so stipulate. |
| <u>December 12, 2023:</u> | Deadline for Rightscorp to file an opposition, if any, to the MTC. |
| <u>December 21, 2023:</u> | Deadline for Altice to file a reply, if necessary; deadline for the parties to file a stipulation to hold the hearing virtually via Zoom. ¹ |

¹ If the parties stipulate to a Zoom hearing, instructions for appearing before Judge Castillo via Zoom are found on the Court’s website, under the “Judges’ Requirements”

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Altice is ORDERED to serve copies of this Order by email on the same counsel who were served with copies of the MTC within one day of the date of this Order.

IT IS SO ORDERED.

Initials of Preparer

00:00

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tab on the menu bar, Judges' Procedures and Schedules link. See <http://www.cacd.uscourts.gov/judges-schedules-procedures>.